

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM J. JAMES,) CASE NO. C08-0635-JCC
)
Plaintiff,)
)
v.) REPORT AND RECOMMENDATION
)
MARGE LITTRELL, et al.,)
)
Defendants.)
_____)

INTRODUCTION AND SUMMARY CONCLUSION

Plaintiff William J. James filed a motion to proceed *in forma pauperis* (IFP) and a proposed civil complaint alleging that he was being held in custody beyond his release date. (Dkt. 1.) However, he failed to complete the Certification portion of the IFP application or to attach a certified copy of his prison trust account statement showing transactions for the previous six months.

The Clerk sent plaintiff a letter dated April 24, 2008 outlining the deficiencies in his IFP application. (Dkt. 3.) The Clerk advised plaintiff that failure to correct the deficiencies or pay the filing fee on or before May 27, 2008 could result in dismissal of his case. On May 8, 2008, the

01 Clerk's letter to plaintiff was returned as undeliverable, indicating plaintiff was no longer in
02 custody. (Dkt. 5.)

03 While plaintiff did not receive the Clerk's letter regarding the deficiencies in his IFP
04 application given his release, it remains that, to date, plaintiff has neither paid the filing fee, nor
05 adequately supplemented the application to proceed IFP. Nor has plaintiff advised the Court as
06 to his current address. Pursuant to Local Rule 41(b)(2), if a *pro se* plaintiff fails to notify the
07 Court and opposing parties of his current address within sixty days after mail directed to the
08 plaintiff is returned by the post office, the Court may dismiss the action without prejudice for
09 failure to prosecute. Here, because plaintiff failed to pay the filing fee or supplement his IFP
10 application and because he failed to notify the Court of his current address within sixty days after
11 the returned mail, the Court finds dismissal of this case without prejudice appropriate.

12 In sum, the Court recommends that plaintiff's application to proceed IFP be denied and
13 this matter be dismissed without prejudice. A proposed Order is attached to this Report and
14 Recommendation.

15 DATED this 11th day of July, 2008.

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17 Mary Alice Theiler
18 United States Magistrate Judge
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